

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff

V.

AUDIBLE MAGIC CORPORATION

*Defendant*

Civil Action No. 6:15-CV-00584-RWS-CMC

**FILED UNDER SEAL**

AUDIBLE MAGIC CORPORATION,

*Counterclaim Plaintiff*

V.

BLUE SPIKE, LLC, BLUE SPIKE, INC.  
and SCOTT A. MOSKOWITZ

### *Counterclaim Defendants*

**DECLARATION OF ERIC H. FINDLAY IN SUPPORT OF**  
**AUDIBLE MAGIC CORPORATION'S NOTICE OF**  
**SUPPLEMENTAL EXHIBIT**

I, Eric H. Findlay, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would do so competently.

2. I am an attorney with the law firm of Findlay Craft, P.C. and represent the Defendant Audible Magic Corporation in the above referenced action.

3. I am a member in good standing with the State Bar of Texas.

4. Attached as Exhibit D is a true and correct copy of the transcript of the deposition of Yannis Papakonstantinou, Ph.D. taken on July 8, 2015.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of August, 2015.

/s/ Eric H. Findlay  
Eric H. Findlay